STATE OF CALIFORNIA
CENTRAL COAST WATER BOARD
Received
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To: Michael Thomas, Assistant Executive Officer
Central Coast Water Board

From: Lawrence F. Bishop
CDO designated party

Subject: Brief on CDO against Los Osos individuals

Date: 19 June 2006

1. Must the prosecution's case, as presented orally on April 28, 2006, be stricken entirely or to some lesser degree?

The prosecution's case should continue as presented. The change in attorneys should not have changed the case being presented. During the May 11, 2006 meeting to discuss the procedural matters of the new attorney, Mr. Young did state a different case than the prosecution had previously presented. I feel that this might have been a way of Mr. Young to inform the prosecution and new attorney what case he would like to hear. This caught my attention because I have been waiting for someone on the prosecution staff to present the case presented by Mr. Young.

2. If the prosecutor is required to present its case again, should it have the opportunity to introduce additional written materials into the record before the Water Board?

The prosecution should not be allowed to present additional information. They have had thirty years to prepare for this case. We have had since January. The board and the prosecution staff have tried to limit the amount of documents presented by the LOCSD. If these documents are not applicable, how will the prosecution justify new documents?

3. If the prosecution is allowed to supplement the written materials that it has introduced, should designated parties be entitled to submit additional written materials?

If the prosecution staff is allowed to submit supplement written materials then the designated parties should be allowed the time to review and research documents that could refute the prosecution case.

4. If the prosecution case is stricken entirely or to some lesser degree, should the Los Osos Community Services District be permitted to start its case over?

If the prosecution has changed their case, then the LOCSD should be allowed to modify their case and be permitted to start over.

The prosecution staff has changed their case each time we have talked to them or what has been presented to the board. The prosecution staff to this date has not provided us with the case they have against the individual properties.

Procedural question to Mr. Young.

Are we to be given time to cross-examine the prosecution staff prior to presenting our individual defense?

Is the pending CDO against the property or the individual? If we sell our house who will be the designated party? If the new owner is the designated party do they have the right to a new hearing or must continue with the prior case?

Lawrence F. Bishop